

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

VIRGIN RECORDS AMERICA, INC., et
al.,

Plaintiff,

v.

JESSICA VANDERSCHAUW,,

Defendant.

No. CV-06-3091-FVS

DEFAULT JUDGMENT AND
PERMANENT INJUNCTION

Having considered Plaintiffs' Application for Default Judgment by the Court, and good cause appearing therefore, it is ORDERED:

Plaintiffs seek the minimum statutory damages of \$750 per infringed work, as authorized under the Copyright Act (17 U.S.C. § 504(c)(1)),

1. The Plaintiffs' Application For Entry of Default Judgment By the Court, **Ct. Rec. 12**, is **GRANTED IN PART** and **DENIED IN PART**.

2. The Defendant has been adjudicated to be in default for each of the eleven sound recordings listed in Exhibit A to the Complaint. The Defendant shall accordingly pay damages to Plaintiffs for infringement of Plaintiffs' copyrights in the sound recordings listed in Exhibit A to the Complaint, in the total principal sum of Eight Thousand Two Hundred Fifty Dollars (\$8,250.00).

3. Defendant shall be and hereby is enjoined from directly or indirectly infringing Plaintiffs' rights under federal or state law in

1 the following copyrighted sound recordings:

2 a. "Beloved One," on album "Burn To Shine," by "Ben Harper" (SR#
3 273-400;

4 b. "Caress Me Down," on album "Sublime," by artist "Sublime"
5 (SR# 224-105);

6 c. "Cowboy Take Me Away," on album "Fly," by artist "Dixie
7 Chicks" (SR# 275-086);

8 d. "There's Your Trouble," on album "Wide Open Spaces," by
9 artist "Dixie Chicks" (SR# 252-000);

10 e. "Dixieland Delight," on album "Closer You Get," by artist
11 "Alabama" (SR# 49-145);

12 f. "Like The Rain," on album "Greatest Hits," by artist "Clint
13 Black; (SR# 227-957);

14 g. "A Better Man," on album "Killin' Time," by artist "Clint
15 Black" (SR#105-436);

16 h. "Crash Into Me," on album "Crash," by artist "Dave Matthews
17 Band" (SR# 212-572);

18 i. "The Space Between," on album "Everyday," by artist "Dave
19 Matthews Band" (SR# 300-313)

20 j. "My Oh My," on album "White Ladder," by artist "David Gray"
21 (SR# 297-324);

22 k. "Best I Ever Had (Grey Sky Morning)," on album "Everything
23 You Want," by artist "Vertical Horizon" (SR# 277-868); and

24 l. in any other sound recording, whether now in existence or
25 later created, that is owned or controlled by the Plaintiffs (or any
26 parent, subsidiary, or affiliate record label of Plaintiffs)

1 ("Plaintiffs' Recordings"), including without limitation, by using the
2 Internet or any online media distribution system to reproduce (i.e.,
3 download) any of Plaintiffs' Recordings, to distribute (i.e., upload)
4 any of Plaintiffs' Recordings, or to make any of Plaintiffs Recordings
5 available for distribution to the public, except pursuant to a lawful
6 license or with the express authority of Plaintiffs. Defendant also
7 shall destroy all copies of Plaintiffs' Recordings that Defendant has
8 downloaded onto any computer hard drive or server without Plaintiffs'
9 authorization and shall destroy all copes of those downloaded
10 recordings transferred onto any physical medium or device in
11 Defendant's possession, custody, or control.

12 4. The Plaintiffs shall prepare and file their bill of costs in
13 compliance with Local Rule 54.1.

14 **IT IS SO ORDERED.** The District Court Executive is hereby
15 directed to enter this order and furnish copies to counsel.

16 **DATED** this 16th day of July, 2008.

17
18 s/ Fred Van Sickle
Fred Van Sickle
19 Senior United States District Judge
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